



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 02908-02
27 January 2003

LCDE [REDACTED] USNR RET
[REDACTED]
[REDACTED]

Dear Commande [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 January 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 4 November 2002, a copy of which is attached. The Board also considered your letter dated 2 January 2003.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board was unable to find that the reporting senior actually intended to submit a fully, rather than partially "not observed" report. They did recognize that the front side of the report, as it appears in your record, was internally inconsistent, in that it showed you were among seven officers assigned the highest possible mark in block 51 ("mission contribution"), and block 65 showed seven were recommended for "early" promotion; yet block 63 was marked, showing you received the less favorable "regular" promotion recommendation. However, they were unable to determine the appropriate correction to resolve this discrepancy. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
4 November 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: LCDR [REDACTED] ^{MR} [REDACTED] LISN, (RET), [REDACTED]

Ref: (a) NAVMILPERSCOMINST 1611.1A

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member request corrections be made to his fitness report for the period 1 March 1990 to 31 January 1991.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement.

b. The report in question is a Periodic/Regular report. The member alleges the report should have been a NOB report.

c. The copy of the fitness report provided with the member's petition shows an "X" in block-51 and a 1 in block-52 to indicate a "Not Observed" report. The member's digitized record and Officers Summary Report (OSR) revealed an "X" in block 51 and a 1 in block-52 "Not Observed" and 7 in block-52 for number of members recommended for "Early Promote."

d. Block-88 (Comments) on both reports states; "LT [REDACTED] is graded as "not observed" on this report". The reporting senior submitted a Fitness Report Administrative Change letter requesting to have sixteen graded blocks changed to blank blocks. Per reference (a), Chapter 13, administrative changes are limited to blocks 1 through 17 and 84.

e. The member and reporting senior refer to the changes requested to the report as administrative changes. Changes to performance marks, promotion recommendation and ranking are not administrative changes. Such changes require supplementation of the original report. Supplementary material may be submitted as either a Letter-Supplement or a Supplemental Report. The Letter Supplement is preferred. Supplementary material concerning reports more

than two years old will be accepted only if the reporting senior demonstrates in a cover letter why the material could not be submitted in a more timely manner.

f. The fitness report has been the member's record for over eleven years. They have not provided any explanation for failing to make any reasonable efforts to correct the errors before now.

3. We recommend the member's record remain unchanged.



Performance
Evaluation Branch